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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/960,563	09/12/2001	Bernd Petzold	10191/2020	5713

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EXAMINER	
TO, TUAN C	

ART UNIT	PAPER NUMBER
3663	

MAIL DATE	DELIVERY MODE
12/22/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/960,563	PETZOLD ET AL.	
	Examiner	Art Unit	
	TUAN C. TO	3663	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11/2/2010*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *16-19,22-25 and 27-29* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *16-19, 22-25, and 27-29* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *10 February 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

Claims 16-19, 22-25, and 27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mutsuga et al. (US 5911773A) and in view of Lappenbusch et al. (US 5982298A).

With regard to claims 24 and 25, the U.S. reference to Mutsuga et al. has been cited as teaching a navigation system including a calculation unit which is the central processing unit (4) shown in figure 1(A) of Mutsuga et al, and that processing unit (4) calculates a first route and second route from the starting point to the destination point (Mutsuga et al., figure 2, central processing unit 4; figure 15A). In figure 2, the display (12) is described as a claimed reproducing device for displaying the navigation data including map and routes. As shown in figure 1(A) of Mutsuga et al, the communication unit (5) is provided for receiving the traffic disruption on the first route and second route, and the display device (12) reproduced the traffic disruption such as the congested section shown in figure 15(A). Mutsuga et al. also teach that the traffic disruption such as the traffic congestion on the main road from the point P to the destination (see Mutsuga et al, column 9, lines 61-67; figure 15A).

Mutsuga et al discloses an input device configured to enable the user to input data to manipulate or change the routes that is selected for guiding the user to travel from a starting point to a destination (see figure 16-19).

Mutsuga et al. fails to disclose “enabling the user to mark user-selected road segments on the reproducing device, the manipulated or altered routes including the user-selected road segments being selectable by the user for route guidance"

Lappenbusch et al. discloses an interactive traffic display and trip planner in which the input device which is the cursor control key is used to change at least one selected route by enabling the user mark the selected road (see column 6, lines 14-37).

Lappenbusch et al. further teaches that the user can select individual sub-segments using the moving cursor control keys described in column 6, lines 14-37. As shown in figure 7, and further illustrated in column 7, lines 20-26, the user can specify the starting location 83 and destination location (84) in terms of sub-segments which include the route 90 as shown in figure 8, but not the route 520 which is also another route leading to the end location (84).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the navigation system as taught by Mutsuga et al to include the cursor control key as described in the Lappenbusch et al. in order to bring the user attention of the selected road among the other roads on a display device.

With regard to claim 16, the input means (11) shown figure 1(A) of Mutsuga et al. is configured to enable the user to select one of the reproduced route.

With regard to claim 17, Mutsuga et al. teach that the main road (first route) and the general road as a detour route (second route) are reproduced on the display (12) as partially shown in figure 15(A) when the congested section on the main road is determined.

With regard to claim 18, Mutsuga et al. teach that the traffic jam is fixed as the predefined route criteria (Mutsuga et al, column 6, lines 32-53)

With regard to claim 19, the navigation system disclosed by Mutsuga et al. further include an input mean unit (11) for weighting at least one route criteria.

With regard to claim 22, Mutsuga et al. teach that the information regarding traffic disruption includes information regarding traffic congestion (Mutsuga et al., column 6, lines 38-47).

With regard to claim 23, figure 15(A) taught by Mutsuga et al. clearly shows that the traffic disruption is reproduced altogether with the main road which is the first road (claimed first route) and the general road which is the second road (claimed second route). A congested section is specifically indicated on the main road.

With regard to claim 27, the input means (11) shown figure 1(A) of Mutsuga et al. is configured to enable the user to select one of the reproduced route.

Mutsuga et al. further teach that when the congested section of the main road (see Mutsuga et al, figure 15(A)) has been determined, another route (general route) begin to start from a new starting point to the destination.

With regard to claim 28, the communication unit (5) as represented above is configured to receive at least one type of traffic disruption such as traffic jam, and the display (12) is the reproducing device for displaying such the traffic disruption.

With regard to claim 29, the reproduction device is not only but also a speaker (16) as reproducing device for reproducing the acoustical signal to a user (Mutsuga et al., figure 2, speaker 16).

While patent drawings are not drawn to scale, relationships clearly shown in the drawings of a reference patent cannot be disregarded in determining the patentability of claims. See In re Mraz, 59 CCPA 866, 455 F.2d 1069, 173 USPQ 25 (1972).

Response to Amendment

The applicant's request for continued examination has been fully considered, However, at least claim 25 would not be patentable over the cited prior art because the reference to Lappenbusch et al. still suggests the newly added features in claim 25.

The applicant currently argues that the claim requires "an input device configured to enable the user to change at least one of the reproduced first and second routes by enabling the user to (i) mark user-selected road segments not included in the at least one of the reproduced first and second routes on the reproducing device, and (Ii) incorporate the user-selected road segments into the at least one of the reproduced first and second routes to create at least one altered route, the at least one altered route including the user-selected road segments being selectable by the user for route guidance."

The examiner has found the new features added to the claims would not be patentably distinct from the cited prior art. As discussed herein above, the reference to Lapenbusch et al. directs to an interactive traffic display and trip planner. The user can use an input device such as cursor control keys to mark road segments (eg., the road segments 68 is shown with arrow head 67 in figure 4 is an example about the marking capabilities of the device). In addition, using the device, the user can mark the sub-segments in the manner as mentioned above to specify a route from a starting location (e.g, location 83) to a destination location (e.g, location 84) by marking the sub-segments in between. The mentioned sub-segments are included in the route 90 as the

first route leading to destination location (84). Those segments visually shown in the map (62) are not included in the route 520 leading to the destination (84).

Conclusions

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan C To whose telephone number is (571) 272-6985. The examiner can normally be reached on from 8:00AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Keith can be reached on 571-272-6878.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Tuan C To/

Primary Examiner of Art Unit 3663/3600

November 22, 2010